IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 264 (SS) of 2007

Sri Dinesh Sharma,
S/o Dr. R.P. Sharma,
Presently posted as Junior Engineer
Nagar Palika Parishad Mussoorie,
District – Dehradun. **.....Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Urban Development, Dehradun.

2. Director, Urban Development, Dehradun, Uttarakhand.

.....Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri D. S. Patni, learned counsel for the petitioner and Sri N. P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. Issue a writ order or direction in the nature of Mandamus directing the respondents to consider the allocation of the petitioner at Uttarakhand after taking consent from the State of U.P. in place of late Sri Surjit Singh Sahni, who was allotted Uttarakhand Cadre.

b. issue any other writ, order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case.

c. award the cost of the petition to the petitioner.

The stand of the petitioner is that he is working as Junior Engineer in Nagar Palika Parishad, Mussoorie and had opted

for Hill Sub Cadre on 10.09.1997 under Hill Sub Cadre Rules 1992.

At the time of creation of State of Uttarakhand petitioner had not opted for State of Uttarakhand meaning thereby he has opted for State of U.P.

Learned counsel for the petitioner had submitted that one Sri Surjit Singh Sahni, who has opted for State of Uttarakhand, was working as Junior Engineer in Nagar Palika Parishad, has died and as such, a vacancy for the post of Junior Engineer is in existence.

This court cannot grant such prayer. In case, respondents are in need of services of the petitioner, petitioner may make representation before them.

Learned counsel for the petitioner has submitted that petitioner has already made representation dated 25.10.2006 before respondent no. 2 that his name may be considered for State of Uttarakhand in place of late Sri Surjit Singh Sahni.

Petitioner has annexed the copy of the aforesaid representation as Annexure no. 6 to the writ petition and it is expected from the respondent no. 2 that he will take decision on the aforesaid representation of the petitioner at the earliest.

In view of the above, writ petition as well as interim relief application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 28, 2007
SKsharma